

Board of Selectmen Meeting
Tuesday, November 18, 2014

A meeting of the Rockport Board of Selectmen was held at 6pm on Tuesday, November 18, 2014 with four selectpersons, the Town Administrator and the Asst. Town Administrator; Selectperson Sheedy was not present.

6:00 Meeting Called to Order

Executive Session – Strategies with Respect to Pending Litigation and Value of Real Property: Selectperson Battistelli moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) for Exception #3 to discuss strategy with respect to litigation and Exception #6 to discuss strategy with respect to Real Property. Roll Call Vote: Selectperson Battistelli – aye, Selectperson Lucas – aye, Selectperson Murphy – aye, Chairperson Wilkinson – aye, all in favor.

Executive Session, strategies with respect to pending litigation and value of real estate, Motion Approved

Chairperson Wilkinson said we are entering executive session because, by not doing so, it would be detrimental to the Town’s litigating position.”

7:00 Pledge of Allegiance and Moment of Silence

Approval of Minutes of October 28, 2014: Selectperson Lucas moved to accept the minutes of the October 28, 2014 meeting, seconded by Selectperson Murphy, Vote: 3-0, Chairperson Wilkinson abstained as she was not present on 10/28/14.

Approval of 10/28/14 minutes, Motion Approved

Approval of Minutes of November 4, 2014: Selectperson Murphy moved to accept the minutes of the November 4, 2014 meeting, seconded by Selectperson Battistelli, Vote: 3-0, Selectperson Lucas abstained as she was not present on 11/4/14. Revision: Under the Rotary comment, change to “three selectpersons were invited to visit the Rotary; one is a member of the Rotary”.

Approval of 11/4/14 minutes, Motion Approved

Selectmen Updates and Liaison Reports:

- Selectperson Murphy said he spoke at a dedication at AGH for Tina Ketchopulos. He said three granite benches have been placed in a garden outside the hospital in her name. He said it is evident that the Council on Aging was near and dear to Tina; there were approximately 200 people in attendance.
- Selectperson Lucas said she attended the Economic Development presentation last Thursday, the Town Administrator was there also; there were approximately 60 people in attendance. She said the presenter could certainly inspire a group about things that could happen in Rockport. He has given the Economic Development Committee a questionnaire about Rockport with 200 questions, analyzing the responses and they then will generate a report. Some of his initial observations are having a commuter rail train station here is a big plus, we should play that up. Having close to 95% of the revenue in town coming from residential taxes only might not be totally sustainable. Selectperson Murphy said if they limited the train service; that would be detrimental to the town. They will return to Rockport with a report on economic development.
- Chairperson Wilkinson said she attended the quarterly meeting of the department managers. She said she thought other board members might be interested in attending an upcoming meeting as well.
- Tour of the DPW barn, they spoke to T. Olson for a tour of the end of Bearskin Neck as well as the water and sewer treatment plants.
- Selectperson Lucas said that Mary Devaney said they were going to start removing the graffiti on public property this week.

Selectmen Updates & Liaison Reports

Public Comment Period: Alice Whittaker, 90 Granite St., questioned the helicopter landing in Pigeon Cove on Friday; she asked if the FAA approved it. Chairperson Wilkinson said the first the

Public Comment Period: Helicopter Landing

Board of Selectmen heard of it was when they received calls that it landed. She said in 2012 the property owner applied for a helicopter pad permit. The Town contacted the FAA, the Board of Selectmen and the building inspector provided our opinion that we did not want it in town. The Town Administrator sent a letter with citizen opinion. We received a note back from the FAA that they were denying the application. During the most recent landing, the police went to the property and they appeared to have a valid permit. Apparently personnel at the FAA changed since 2012. The building inspector and the Board of Selectmen were not contacted by the FAA. Chairperson Wilkinson said she is following up to see how the permit was given; more investigation is ongoing on this. A. Whittaker said it is unsafe and noisy; there were many infractions here.

T. Arsenian, 95 Granite Street, said the train station is an asset and a liability to the town; the noise is offensive. He said they are operating under an EPA consent order; he questioned if they are in compliance. Selectperson Battistelli said we are working with Senator Tarr's office on this; they are not in compliance. She said we are hoping to work with the Secretary of Transportation on quieter trains and less idling time. T. Arsenian said federal regulations sometimes pre-empt local regulations. He is requesting that the Board of Selectmen consult with the Building Inspector and town counsel.

Z. Seppela, 92 Granite St., said regarding the train station, young people don't want to commute or drive up and down Rte. 128. The location of the train station is not the asset here; it's an asset for employers. He said the Gloucester Times' article today stated that, according to the Rockport police, the FAA said this was an approved heliport. The FAA has a 188 page advisory circular from 2012; it provides the basic elements for a touchdown, liftoff, wind cone, etc. It provides the basic layout.

J. Ring, 9 Poole's Lane, thanked the Board of Selectmen for their consideration for the pending appointment to the Board of Registrars.

M. Boucher, 1 Twinlight Circle, said the Republican Town Committee met to discuss the nomination. He said they are in 100% support of J. Ring; he has been a member of the Republican Town Committee and has served as secretary. He also has served on the Historic District Commission. He said they voted for J. Ring within the time limit but three names were supposed to be submitted as well.

Town Administrator's Report:

- M. Vieira said the recent management meeting was well attended; it included the annual ethics program, annual performance evaluations, and the new payroll module which will be rolled out in January. There are several legal trainings scheduled for staff; on 12/4/14 a session on land use and zoning is planned with Kopelman & Paige, the Town Administrator said she is getting everyone's questions together prior to the training. It is open to anyone who would like to attend and is scheduled from 6:30 to 9:30 pm. On 12/11/14 there is an anti-harassment training for staff; it is mandatory for all employees. Kopelman & Paige will have multiple sessions throughout the day and evening. There is also a manager training discussing documentation, performance issues, and progressive discipline. There is no charge from Kopelman & Paige for these trainings.
- The Town Administrator said J. Parisi, DPW Director, has been working on obtaining better electricity prices. A new contract is in place; this is the first time there is a joint contract with the combined volume from the town and the schools.
- Police Chief Civil Service Chapter 366 just passed; the process is now closed.
- Selectperson Murphy stated that the process has started; they are seeking members for the Police Chief Recruitment Committee; he stated those interested should submit a letter or e-mail to Town Hall stating why they'd like to be on the committee.
- M. Vieira said the first C. A. Regional Cable Advisory Committee meeting was held with Rockport, Manchester, Essex, and Gloucester; Kopelman and Paige presented.

- The DPW Director and the Asst. Town Administrator walked through 8 Marmion Way; the house has been cleaned up.
- The Master Building plan process has started by DRA architects. They have started going office to office, site to site, taking photos. They are talking to individual departments seeking information on what is needed for space; they will be coming back in early December. The process should be complete within 6-8 months. Chairperson Wilkinson questioned if the Board of Selectmen will have an opportunity to take a look before the report is complete. M. Vieira said he will alert the Board members when the architects will be visiting. It was stated that this study is related to use; the study will include making recommendations on any consolidations.

7:40 Action List

- Appointment of Elections Registrar: Selectperson Battistelli moved that the Board of Selectmen appoint Jonathan Ring as the Republican representative on the Rockport Board of Registrars, seconded by Selectperson Murphy, Vote: 4-0.

Action List:

Appointment of
Elections Registrar
Motion Approved

Pat Brown, Town Clerk, said she wanted to clarify the process that has transpired regarding this appointment. On 7/29/14 the Town Clerk sent a letter requesting a list of potential candidates, on 9/28 she received a letter back providing J. Ring's name; the letter stated that no one else was interested. She said a list is required per MGL; she said the letter did not meet the 45 day requirement. She said the duties of a registrar include: coming in to register voters at a nighttime meeting 21 days prior to the election for four hours. Also, provisional ballots are handled, when people go to the polls, but they can't be located, we can get into the system to find the original voter registration card. Then the Board of Registrars reviews the ballot and they make the determination. Another important part of the position is legal hearings to determine residency. Selectperson Lucas stated that J. Ring was the only interested candidate present at the meeting tonight.

- Appointment of Tamsen Endicott to the Finance Committee: Selectperson Murphy moved that the Board of Selectmen appoint Tamsen Endicott as a member of the Finance Committee for a three year term to expire on May 1, 2017, seconded by Selectperson Battistelli, Vote: 3-0, Selectperson Lucas abstained as she was not present for the nomination.
- Acceptance of Resignation of Richard Meringer from the Board of Health: Selectperson Lucas moved that the Board of Selectmen accept the resignation of Richard Meringer from the Board of Health effective December 31, 2014, seconded by Selectperson Murphy, Vote: 4-0.
- Performance Evaluations & Merit Bonuses: Selectperson Murphy moved that the Board of Selectmen approve the annual non-contracted employees' performance evaluations and accept the recommended merit bonus amounts of the Personnel Board based on the employees' performance ratings, Selectperson Lucas seconded, Vote: .

Appointment of
Tamsen Endicott
to Finance
Committee
Motion Approved

Acceptance of
Resignation of
Richard Meringer
from Board of
Health
Motion Approved

Performance
Evaluations and
Merit Bonuses

Chairperson Wilkinson said she would like to start moving toward standardizing the scoring for all managers. M. Vieira said this will be worked on along with the formulation of goals and the evaluators scoring and what a score of 1, 2, 3, 4 and 5 means. Also he said trying to have the same number of essential functions on the job descriptions. The Town Administrator said there are two lists before the Board of Selectmen. List #1 includes all non-contracted employees and List #2 includes all non-contracted employees who signed the evaluation acknowledging receipt. One evaluation was not signed by the employee; the signature does not indicate the employee agrees with the evaluation, it acknowledges receipt. A Performance Improvement Plan will be necessary on this one as well.

Selectperson Murphy moved that the Board of Selectmen approve the annual non-contracted employees' performance evaluations and accept the recommended merit bonus amounts of the Personnel Board based on the employees' performance ratings, on list #2, Selectperson Lucas seconded, Vote: 4-0.

Approve annual
non-contracted
performance
evaluations and
merit bonus
amounts
Motion Approved

120 Long
Beach
Renovations
Approval
Motion
Approved

120 Long Beach Renovations Approval: Selectperson Battistelli moved that the Selectmen approve the renovations to 120 Long Beach as shown in the plan entitled New Renovations - A2 dated October 21, 2014 and approved by the Building Inspector, for Eric and Douglas Johnson, seconded by Selectperson Murphy, Vote: 4-0. The plans include rebuilding the front deck, a 2nd floor new bathroom and some interior work to extend the kitchen countertop, the property is in the process of being sold; the new owner is Tom Spittle.

Annual Liquor
License
Approval, 7th
Wave, Emerson
by the Sea
Motion
Approved

- Annual Liquor License Applications Approval: Selectperson Lucas moved that the Board of Selectmen approve the on premise liquor license renewal for the 7th Wave, Emerson Inn by the Sea for 2015, seconded by Selectperson Murphy, Vote: 4-0.

Selectperson Murphy moved that the Board approve the on premise liquor license renewal for The Emerson Inn by the Sea for 2015, seconded by Selectperson Battistelli, Vote: 4-0.

Alcohol
License
Rockport Music
Motion
Approved

Selectperson Murphy moved that the Board of Selectmen approve the on premise liquor license renewal for Rockport Music for 2015, seconded by Selectperson Battistelli, Vote: 4-0.

Alcohol
License for
Yankee Clipper
No vote taken.

Selectperson Battistelli moved that the Board approve the on premise liquor license for the Yankee Clipper Inn for 2015, Selectperson Murphy seconded, Vote: .

Toby Arsenian, 95 Granite St., said he worked for the Yankee Clipper when Randy Marks owned it, and for a brief period since Michael Rauseo has owned it; he is familiar with the site. He visited the Assessor's office, there are two structures attached by a breezeway. The Assessor's records indicate there is a wooden deck; there isn't a deck. He said there is an addition on a cement slab at ground level. He says this does not comply with zoning regulations because they are not in compliance with all local regulations, and it must be in compliance before going to the ABCC. No vote will be taken until the Bldg. Inspector can be contacted.

Annual ABCC
Population
Estimate- Motion
Approved

- Annual Population Estimate for ABCC: Selectperson Lucas moved that the Selectmen estimate the temporary increased resident population of Rockport as of July 10, 2015 to be 13,000, seconded by Selectperson Murphy, Vote: 4-0.

CPA Grant,
First Baptist
Church
Motion
Approved

- CPA Grant Agreement for the First Baptist Church: Selectperson Battistelli moved that the Selectmen approve and sign a Community Preservation Act Grant Agreement for the First Baptist Church of Rockport in the amount of \$113,500 for the historic restoration, rehabilitation, and/or preservation of the Baptist Church building, including the installation of a fire prevention, warning, and suppression system, and including all modifications thereto as stated in Section 18 of the Special Conditions of the Community Preservation Committee, seconded by Selectperson Lucas, Vote: 4-0.

8:30 Selectperson Murphy moved to adjourn, seconded by Selectperson Battistelli, Vote: 4-0.

Warrant signed:

Warrant signed for the Fiscal Year 2015 Payroll and Expenses for the week of 11/20/14 in the amounts of \$103,542.09 and \$156,355.77 respectively.

Items signed:

Community Preservation Grant, First Baptist Church

ABCC Renewal Certification 2015

Rockport Music, Alcoholic Beverage License

The Grand Café at The Emerson Inn

7 Tuna Wharf, Alcoholic Beverage License

Home Occupation Permit, Thomas Shaefer, 7 Briny Way